

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GUARDIAN INDUSTRIES CORP.,

Plaintiff,

v.

DELL, INC.; GATEWAY, INC.; HEWLETT-PACKARD CO.;  
ACER INC.; ACER AMERICA CORP.; AOC INTERNATIONAL;  
ENVISION PERIPHERALS, INC.; TPV TECHNOLOGY, LTD.;  
TPV INTERNATIONAL (USA), INC.; AU OPTRONICS CORP.;  
AU OPTRONICS CORPORATION AMERICA  
a/k/a AU OPTRONICS AMERICA, INC.; BENQ CORP.;  
BENQ AMERICA CORP.; CHUNGHWA PICTURE TUBES, LTD.  
a/k/a CHUNGHWA PICTURE TUBES CO.;  
TATUNG CO.; TATUNG CO. OF AMERICA, INC.;  
BOE HYDIS TECHNOLOGY CO., LTD.;  
BOE HYDIS AMERICA INC.; CHI MEI OPTOELECTRONICS;  
COMPAL ELECTRONICS, INC.; HANNSTAR DISPLAY CORP.;  
JEAN CO., LTD.; LITE-ON TECHNOLOGY CORP.;  
LITE-ON, INC. a/k/a LITEON TRADING USA, INC.;  
MAG TECHNOLOGY CO., LTD.;  
MAG TECHNOLOGY USA, INC.;  
PROVIEW INTERNATIONAL HOLDINGS, LTD.;  
PROVIEW TECHNOLOGY, INC.;  
PROVIEW ELECTRONICS CO., LTD.; and  
QUANTA DISPLAY, INC.

Defendants.

C.A. No.: 05-27-SLR

Jury Trial Demanded

**GUARDIAN'S REPLY TO QUANTA DISPLAY INC.'S COUNTERCLAIMS**

Guardian Industries Corp. ("Guardian") replies to Quanta Display Inc.'s ("QDI")

counterclaims as follows:

**REPLY TO COUNTERCLAIMS**

121. Admitted.

122. Admitted.

123. Guardian admits that QDI's counterclaims purport to include claims for declaratory judgment of non-infringement and invalidity and that this Court has jurisdiction over the subject matter of these particular counterclaims, but denies that the counterclaims have any merit and denies that QDI is entitled to any of the relief sought in its counterclaims or Prayer. Guardian denies any and all remaining averments in Paragraph 123 of QDI's counterclaim.

124. Admitted.

125. Guardian admits that there exists an actual controversy between Guardian and QDI concerning infringement of the '214, '187, '065 and '588 patents. Guardian denies any and all remaining averments in Paragraph 125 of QDI's counterclaims.

126. Paragraph 126 of QDI's counterclaims is a request for relief, and does not state any allegation that calls for a response. QDI is not entitled to a declaration from the Court that QDI has not infringed any claim of the '214 patent, either directly, contributorily, or by inducement, or either literally or under the doctrine of equivalents. Guardian denies any and all remaining averments in Paragraph 126 of QDI's counterclaims.

127. Paragraph 127 of QDI's counterclaims is a request for relief, and does not state any allegation that calls for a response. QDI is not entitled to a declaration from the Court that QDI has not infringed any claim of the '187 patent, either directly, contributorily, or by inducement, or either literally or under the doctrine of equivalents. Guardian denies any and all remaining averments in Paragraph 127 of QDI's counterclaims.

128. Paragraph 128 of QDI's counterclaims is a request for relief, and does not state any allegation that calls for a response. QDI is not entitled to a declaration from the Court that QDI has not infringed any claim of the '065 patent, either directly, contributorily, or by

inducement, or either literally or under the doctrine of equivalents. Guardian denies any and all remaining averments in Paragraph 128 of QDI's counterclaims.

129. Paragraph 129 of QDI's counterclaims is a request for relief, and does not state any allegation that calls for a response. QDI is not entitled to a declaration from the Court that QDI has not infringed any claim of the '588 patent, either directly, contributorily, or by inducement, or either literally or under the doctrine of equivalents. Guardian denies any and all remaining averments in Paragraph 129 of QDI's counterclaims.

130. Guardian admits that there exists an actual controversy between Guardian and QDI concerning the validity of the '214, '187, '065 and '588 patents. Guardian denies any and all remaining averments in Paragraph 130 of QDI's counterclaims.

131. Paragraph 131 of QDI's counterclaims is a request for relief, and does not state any allegation that calls for a response. QDI is not entitled to a declaration from the Court that the '214 patent is invalid for failure to comply with the provisions of the patent laws, 35 U.S.C. §§ 100 *et seq.*, including but not limited to one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112. Guardian denies any and all remaining averments in Paragraph 131 of QDI's counterclaims.

132. Paragraph 132 of QDI's counterclaims is a request for relief, and does not state any allegation that calls for a response. QDI is not entitled to a declaration from the Court that the '187 patent is invalid for failure to comply with the provisions of the patent laws, 35 U.S.C. §§ 100 *et seq.*, including but not limited to one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112. Guardian denies any and all remaining averments in Paragraph 132 of QDI's counterclaims.

133. Paragraph 133 of QDI's counterclaims is a request for relief, and does not state any allegation that calls for a response. QDI is not entitled to a declaration from the Court that the '065 patent is invalid for failure to comply with the provisions of the patent laws, 35 U.S.C. §§ 100 *et seq.*, including but not limited to one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112. Guardian denies any and all remaining averments in Paragraph 133 of QDI's counterclaims.

134. Paragraph 134 of QDI's counterclaims is a request for relief, and does not state any allegation that calls for a response. QDI is not entitled to a declaration from the Court that the '588 patent is invalid for failure to comply with the provisions of the patent laws, 35 U.S.C. §§ 100 *et seq.*, including but not limited to one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112. Guardian denies any and all remaining averments in Paragraph 134 of QDI's counterclaims.

135. Guardian denies that QDI is entitled to recover any attorneys' fees and/or costs from Guardian and denies that any of Guardian's activities provide any basis for finding in favor of QDI on the issue of whether this is an exceptional case. Guardian does contend that certain defendants' activities, including potentially QDI, provide a basis for this Court to find, in favor of Guardian, that this is an exceptional case under 35 U.S.C. § 285, and to award Guardian its attorneys' fees and its costs incurred in connection with this litigation. Guardian denies any and all remaining averments in Paragraph 135 of QDI's counterclaims.

136. Admitted.

WHEREFORE Guardian respectfully submits that QDI's counterclaims should be dismissed, with costs assessed against QDI, and seeks such further relief as the Court deems appropriate.

\* \* \* \* \*

Dated: June 1, 2005

/s/ Richard K. Herrmann  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of June, 2005, I electronically filed the foregoing document, **GUARDIAN'S REPLY TO QUANTA DISPLAY INC.'S COUNTERCLAIMS**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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